

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO RODRIGUEZ, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

TWITTER, INC. and PRO UNLIMITED,
INC.,

Defendants.

CASE NO. 3:22-cv-7222-JD

Assigned to The Honorable James Donato

~~[PROPOSED]~~ ORDER RE JOINT
STIPULATION REGARDING AMENDMENT
AND CONSOLIDATED BRIEFING ON
DEFENDANTS' MOTIONS TO COMPEL
ARBITRATION

~~PROPOSED~~ ORDER

The Court, having considered the Parties Joint Stipulation [Dkt. 38], and for **GOOD CAUSE** shown, orders the following:

1. Plaintiff shall file his First Amended Complaint adding a fourth claim for alleged violations of the PAGA by February 21, 2023. Plaintiff's First Amended Complaint shall not modify or seek to add any claims or allegations beyond PAGA as referenced in Plaintiff's Motion for Leave to file a First Amended Complaint. [Dkt. 37.]
2. The hearing on Plaintiff's pending Motion for Leave to file a First Amended Complaint is be vacated as moot.
3. Each Defendant's Motion to Compel Arbitration with respect to Plaintiff's claims for (i) violation of the federal WARN Act; (ii) violation of the California WARN Act; and (iii) Failure to pay all wages at termination [dkts. 26, 27] shall remain in place.
4. Plaintiff's Opposition to Defendants' Motion to Compel Arbitration with respect to Plaintiff's claims for (i) violation of the federal WARN Act; (ii) violation of the California WARN Act; and (iii) failure to pay all wages at termination [dkt. 35] shall also remain in place.
5. Defendants will each file a Motion to Compel Arbitration of Plaintiff's PAGA claim by March 7, 2023 ("PAGA Motion to Compel"). The PAGA Motions to Compel will be limited to the arbitrability of Plaintiff's PAGA claim and whether the representative PAGA claim can proceed.
6. Plaintiff will file an Opposition to the PAGA Motion to Compel by March 21, 2023. This Opposition will be limited to the arbitrability of Plaintiff's PAGA claim and whether the representative PAGA claim can proceed.
7. Defendants will each file a Reply brief by March 28, 2023. This Reply brief will address arguments in Plaintiff's previously filed opposition to Defendants' Motions to Compel Arbitration [dkt. 35] as well as Plaintiff's forthcoming Opposition to the PAGA Motion to Compel.

8. The March 14, 2023 hearing on Defendants' Motions to Compel Arbitration [dks 26, 27] shall be continued to April 6, 2023.

9. Defendants will also set the hearing on the PAGA Motions to Compel for April 6, 2023.

IT IS SO ORDERED.

Dated: February 21, 2023



Hon. James Donato
United States District Judge